

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

WILBUR L. ROSS, JR., et al.,

Defendants.

Case No. 3:18-cv-01865-RS

**JOINT STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO FILE
BILL OF COSTS AND MOTION FOR
ATTORNEYS' FEES**

Dept: 3
Judge: The Honorable Richard G. Seeborg

Trial Date: January 7, 2019
Complaint Filed: March 26, 2018

1 Plaintiffs State of California, County of Los Angeles, and Cities of Los Angeles, Fremont,
 2 Long Beach, Oakland, and Stockton, and the Los Angeles Unified School District (collectively
 3 “Plaintiffs”) and Defendants Wilbur L. Ross, Jr., U.S. Department of Commerce, Ron Jarmin, and
 4 U.S. Census Bureau (collectively, “Defendants,” and together with Plaintiffs, the “Parties”), by
 5 and through their respective attorneys of record, stipulate as follows:

6 WHEREAS, on March 13, 2019, the Court entered its final judgment, order of vacatur,
 7 and permanent injunction;

8 WHEREAS, pursuant to Federal Rule of Civil Procedure § 54(d)(2)(B), Plaintiffs have
 9 until March 27, 2019 (14 days from the entry of judgment) to file a memorandum and motion for
 10 attorneys’ fees;

11 WHEREAS, pursuant to Federal Rule of Civil Procedure § 54(d)(1), Plaintiffs have until
 12 March 27, 2019 (14 days from the entry of judgment) to file their bill of costs;

13 WHEREAS, while the Parties await the resolution of appeals, the Parties wish to extend
 14 the time to file a bill of costs and a motion for attorneys’ fees; and

15 WHEREAS, pursuant to Rule 6-2 of the Local Rules of Practice in Civil Proceedings
 16 before the United States District Court for the Northern District of California, the court may, after
 17 stipulation, extend the time for filing a motion for attorneys’ fees as set forth in Rule 54-5; and

18 WHEREAS, pursuant to Rule 6-2 of the Local Rules of Practice in Civil Proceedings
 19 before the United States District Court for the Northern District of California, the court may, after
 20 stipulation, extend the time for filing a bill of costs as set forth in Rule 54-1;

21 THEREFORE, the parties hereby stipulate that:

22 The Parties stipulate that the time to file a bill of costs and a motion for attorneys’ fees
 23 and costs shall be extended to 30 days after the issuance of the final, non-appealable
 24 administrative or judicial decision.

25 \\\

26 \\\

27 \\\

28 \\\

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

DATED: March 27, 2019

SUE ANN SALMON EVANS, SBN 151562
KEITH A. YEOMANS, SBN 245600
DANNIS WOLIVER KELLEY
115 Pine Ave., Suite 500
Long Beach, CA 90802
Telephone: (562) 366-8500
Fax: (562) 366-8505
Email: kyeomans@dwkesq.com

Bv: /s/ Keith A. Yeomans
KEITH A. YEOMANS

*Attorneys for Plaintiff-Intervenor
Los Angeles Unified School District*

DATED: March 27, 2019

XAVIER BECERRA
Attorney General of California
MARK R. BECKINGTON
ANTHONY R. HAKL
Supervising Deputy Attorneys General
GABRIELLE D. BOUTIN, SBN 267308
ANNAT. FERRARI, SBN 261579
R. MATTHEW WISE, SBN 238485
NOREEN P. SKELLY, SBN 186135
Deputy Attorneys General

Bv: /s/ Gabrielle D. Boutin
GABRIELLE D. BOUTIN
Deputy Attorney General

*Attorneys for Plaintiff State of California, by
and through Attorney General Xavier Becerra*

DATED: March 27, 2019

CHARLES L. COLEMAN III, SBN 65496
DAVID I. HOLTZMAN
HOLLAND & KNIGHT LLP
50 California Street, 28th Floor
San Francisco, CA 94111
Telephone: (415) 743-6970
Fax: (415) 743-6910
Email: charles.coleman@hklaw.com

Bv: /s/ Charles L. Coleman III
CHARLES L. COLEMAN

Attorneys for Plaintiff County of Los Angeles

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

1 DATED: March 27, 2019

MIKE FEUER
City Attorney For The City Of Los Angeles
VALERIE FLORES, SBN 138572
Managing Senior Assistant City Attorney
200 North Main Street, 7th Floor, MS 140
Los Angeles, CA 90012
Telephone: (213) 978-8130
Fax: (213) 978-8222
Email: valerie.flores@lacity.org

6 Bv: /s/ Valerie Flores

7 VALERIE FLORES

8 *Attorneys for Plaintiff City of Los Angeles*

9
10 DATED: March 27, 2019

HARVEY LEVINE, SBN 61880
City Attorney for the City of Fremont
3300 Capitol Ave.
Fremont, CA 94538
Telephone: (510) 284-4030
Fax: (510) 284-4031
Email: hlevine@fremont.gov

14 Bv: /s/ Harvey Levine

15 HARVEY LEVINE

16 *Attorneys for Plaintiff City of Fremont*

17 DATED: March 27, 2019

CHARLES PARKIN
City Attorney for the City of Long Beach
MICHAEL J. MAIS, SBN 90444
Assistant City Attorney
333 W. Ocean Blvd., 11th Floor
Long Beach CA, 90802
Telephone: (562) 570-2200
Fax: (562) 436-1579
Email: Michael.Mais@longbeach.gov

22 Bv: /s/ Michael J. Mais

23 MICHAEL J. MAIS

24 *Attorneys for Plaintiff City of Long Beach*

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

1 DATED: March 27, 2019

JOHN LUEBBERKE, SBN 164893
City Attorney for the City of Stockton
425 N. El Dorado Street, 2nd Floor
Stockton, CA 95202
Telephone: (209) 937-8333
Fax: (209) 937-8898
Email: John.Luebberke@stocktonca.gov

6 By: /s/ John Luebberke
JOHN LUEBBERKE

Attorneys for Plaintiff City of Stockton

9 DATED: March 27, 2019

BARBARAJ. PARKER
City Attorney for the City of Oakland
MARIA BEE
Special Counsel
ERIN BERNSTEIN, SBN 231539
Supervising Deputy City Attorney
MALIA MCPHERSON
Attorney
City Hall, 6th Floor
1 Frank Ogawa Plaza
Oakland, California 94612
Telephone: (510) 238-3601
Fax: (510) 238-6500
Email: Ebernstein@Oaklandcityattorney.Org

16 By: /s/ Erin Bernstein
ERIN BERNSTEIN

Attorneys for Plaintiff City of Oakland

1 DATED: March 27, 2019

JOSEPH H. HUNT
Assistant Attorney General
BRETT A. SHUMATE
Deputy Assistant Attorney General
CARLOTTA P. WELLS
Assistant Branch Director
KATE BAILEY
MARSHA EDNEY
STEPHEN EHRlich
CAROL FEDERIGHI
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20530
Phone: (202) 514-9239
Email: Kate.Bailey@usdoj.gov

11
12 By: /s/ Kate Bailey
KATE BAILEY

13
14 *Attorneys for Defendants*

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), regarding signatures, Keith A. Yeomans hereby attests that concurrence in the filing of this document has been obtained from all the signatories above.

Dated: March 27, 2019

/s/ Keith A. Yeomans
Keith A. Yeomans

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2019, I served the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Dated: March 27, 2019

/s/ Keith A. Yeomans
Keith A. Yeomans

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

[PROPOSED] ORDER

PURSUANT TO STIPULATION,

Upon consideration thereof, and it otherwise appearing proper to do so, it is hereby **ORDERED** that the deadline to file a bill of costs and a motion for attorneys' fees shall be extended to 30 days after the issuance of the final, non-appealable administrative or judicial decision.

IT IS SO ORDERED.

DATED: March __, 2019

HON. RICHARD SEEBORG
United States District Court Judge

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

Sue Ann Salmon Evans, State Bar No. 151562
sevens@DWKesq.com
Keith A. Yeomans, State Bar No. 245600
kyeomans@DWKesq.com
DANNIS WOLIVER KELLEY
115 Pine Avenue, Suite 500
Long Beach, CA 90802
Telephone: 562.366.8500
Facsimile: 562.366.8505

David R. Holmquist, State Bar No. 179872
david.holmquist@lausd.net
LOS ANGELES UNIFIED SCHOOL DISTRICT
OFFICE OF GENERAL COUNSEL
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017
Telephone: 213.241.6601
Facsimile: 213.241.8444

Attorneys for Plaintiff-Intervenor
Los Angeles Unified School District

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

WILBUR L. ROSS, JR., et al.,

Defendants.

Case No. 3:18-cv-01865-RS

**DECLARATION OF KEITH A. YEOMANS
IN SUPPORT OF STIPULATION TO
EXTEND TIME TO FILE BILL OF COSTS
AND MOTION FOR ATTORNEYS' FEES**

DECLARATION

1
2 1. I am an attorney duly authorized and licensed to practice law before all courts of
3 the State of California and before this court. I am special counsel in the law firm of Dannis
4 Woliver Kelley (“DWK”), attorneys of record for Los Angeles Unified School District
5 (“LAUSD”), in this matter, titled *California v. Ross*, case no. 3:18-cv-01865 (the “California
6 Action”), filed in this District on March 26, 2018 against Wilbur L. Ross, Jr., U.S. Department of
7 Commerce, Ron Jarmin, and U.S. Census Bureau (collectively, “Defendants”). I have personal
8 knowledge of the facts set forth in this declaration, and if called upon to testify under oath concerning
9 them, I could and would testify competently to them.

10 2. I file this Declaration pursuant to Local Rule 6-2 and in support of the Joint
11 Stipulation to Extend Time to File Bill of Costs and Motion for Attorneys’ Fees.

12 3. Plaintiffs State of California, County of Los Angeles, and Cities of Los Angeles,
13 Fremont, Long Beach, Oakland, and Stockton, and plaintiff-intervenor LAUSD and Defendants
14 request this extension because the California Action is currently on petition for certiorari before
15 judgment at the Supreme Court and a ruling there may be determinative as to whether fees and costs
16 are available here.

17 I declare under penalty of perjury, under the laws of the State of California and the United
18 States, that the foregoing is true and correct.

19 Executed March 27, 2019, in Long Beach, California.

21 /s/ Keith A. Yeomans
22 Keith A. Yeomans
23
24
25
26
27
28

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), regarding signatures, Keith A. Yeomans hereby attests that concurrence in the filing of this document has been obtained from all the signatories above.

Dated: March 27, 2019

/s/ Keith A. Yeomans
Keith A. Yeomans

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2019, I served the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Dated: March 27, 2019

/s/ Keith A. Yeomans
Keith A. Yeomans

DANNIS WOLIVER KELLEY
115 PINE AVENUE, SUITE 500
LONG BEACH, CA 90802